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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,172	06/04/2007	Stefan Geoffrey Butlin	051033	1928
23596 7590 05/13/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER VU, THANH T				
ART UNIT 2175		PAPER NUMBER		
NOTIFICATION DATE 05/13/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

kascanla@qualcomm.com

nanm@qualcomm.com

### Office Action Summary

**Application No.**

10/598,172

**Applicant(s)**

BUTLIN ET AL.

**Examiner**

THANH T. VU

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

claim 1, line 9, and claim 9, line 18 recite "the or each use interface element". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 15, and claim 9, line 24 recite the limitation "the sets". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 19, and claim 9, line 28 recite the limitation "the selected user interface element". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 15, and claim 9, line 24 recite the limitation "the set of elements". There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 3, and 9 recite the limitation "can be". The limitation is indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(c) as being anticipated by Muschetto (US 6,850,255).

Per claim 1, Muschetto teaches a method of generating a user interface for a device, the method comprising the steps of:

(a) generating a plurality of sets of user interface elements, each of the plurality of sets of user interface elements comprising one or more user interface elements, wherein the or each user interface element is associated with a defined region of the user interface (fig. 2);

(b) ordering each of the plurality of sets of user interface elements into an sequence (fig. 17 and 18; col. 6, lines 41-62; col. 7, lines 1-21);

(c) querying each of the plurality of sets of user interface elements to select a plurality of user interface elements for use in the user interface, the sets being queried in accordance with the ordering performed in step (b), wherein if more than one user interface element is associated with the same region of the user interface then the selected user interface element is taken from the set of elements which occurs first within the sequence determined in step (b) (figs. 3 and 4; ; and col. 13, lines 61-col. 14, lines 5);

(d) rendering the user interface in accordance with the plurality of user interface elements selected in step (c) (figs. 3 and 4).

Per claim 2, Muschetto teaches a method according to claim 1, wherein a first user interface element selected in step (c) and rendered in step (d) can be removed from the rendered user interface by i) inserting a further user interface element into a set of user interface elements such that in step (b) the set of user interface elements that comprises the further user interface

element is ordered before the set of user interface elements that comprises the first user interface element; ii) wherein the further user interface element is associated with the same user interface region as the first user interface element (figs. 4 and 5; col. 14, lines 54-67).

Per claim 3, Muschetto teaches a method according to claim 1, wherein a first user interface element selected in step (c) and rendered in step (d) can be removed from the rendered user interface by i) inserting a further set of user interface elements into the ordered sequence determined in step (b) such that the further set of user interface elements is ordered before the set of user interface elements that comprises the first user interface element; ii) the further set of user interface elements comprising a further user interface element which is associated with the same user interface region as the first user interface element (figs. 4 and 5; col. 14, lines 54-67).

Per claim 4, Muschetto teaches a method according to claim 1, wherein one or more user interface elements are added to the UI, the method further comprising the step of inserting one or more user interface elements into one or more of the plurality of sets of user interface elements (figs. 4-5; col. 14, lines 54-67).

Per claim 5, Muschetto teaches a method according to claim 1, wherein one or more user interface elements are added to the UI, the method further comprising the step of generating one or more further sets of user interface elements, the or each further set comprising one or more user interface elements (figs. 4 and 5; col. 14, lines 54-67).

Per claim 6, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with an application that can be activated through the user interface (figs. 4 and 5; col. 14, lines 54-67).

Per claim 7, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with the manufacturer of the device (figs. 2-10; col. 2, lines 25-50; col. 3, lines 14-46).

Per claim 8, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with a user of the device (figs. 2-10).

Claims 9-16 are rejected under the same rationale as claims 1-8 respectively.

Per claim 17, Muschetto teaches a device according to any of claims 9 to 16, wherein the device further comprises one or more wireless communication interfaces for communication with a wireless communications network, and one or more of the plurality of sets of user interface elements are associated with an operator of a wireless communications network (col. 2, lines 52-55).

Per claim 18, Muschetto teaches a data carrier comprising computer executable code for performing the method of any of claims 1 to 8 (fig. 1).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Care (US 7,480,869) discloses method and apparatus for displaying status of hierarchical operations.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/  
Primary Examiner, Art Unit 2175